

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

CHAIM KAPLAN, *et al.*,

Plaintiffs,

-against-

1:08-cv-07253-GBD

LEBANESE CANADIAN BANK, SAL,

Defendant.

-----X

**DECLARATION IN SUPPORT OF REQUEST
FOR CERTIFICATE OF DEFAULT**

ROBERT J. TOLCHIN hereby declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am counsel for the plaintiffs in this action.

2. This action was commenced pursuant to a complaint filed in the Supreme Court, New York County. This action was removed to this Court pursuant to a notice of removal docketed on August 15, 2008. Following various proceedings not relevant here, a Second Amended Complaint was filed on December 5, 2018. The Second Amended Complaint was dismissed on November 4, 2019. The United States Court of Appeals for the Second Circuit reversed that dismissal in respect to certain of Plaintiffs' claims in the Second Amended Complaint, and remanded the case to this Court for further proceedings on those remaining claims. The mandate of the Court of Appeals was transmitted to this Court on June 30, 2021.

3. The time for defendant LEBANESE CANADIAN BANK, SAL to answer or otherwise move with respect to Plaintiffs' remaining claims in the Second Amended Complaint has expired.

4. Defendant LEBANESE CANADIAN BANK, SAL has not answered or otherwise moved with respect to Plaintiffs' remaining claims in the Second Amended Complaint, and the time for defendant LEBANESE CANADIAN BANK, SAL to answer or otherwise move has not been extended.

5. Defendant LEBANESE CANADIAN BANK, SAL is not an infant or incompetent. Defendant LEBANESE CANADIAN BANK, SAL is not presently in the military service of the United States as appears from facts in this litigation.

WHEREFORE, plaintiffs CHAIM KAPLAN, *et al.* (all plaintiffs) request that the default of defendant LEBANESE CANADIAN BANK, SAL be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiffs, and that no part thereof has been paid.

Dated: Brooklyn, New York
July 22, 2021

/s/ Robert J. Tolchin

Robert J. Tolchin